

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, APPROVING AN AGREEMENT BETWEEN THE CITY OF MIAMI BEACH AND MIAMI-DADE COUNTY ("COUNTY AGREEMENT") FOR THE INSTALLATION OF AN ARTIFICIAL REEF WITHIN THE BOUNDARIES OF CERTAIN PREVIOUSLY APPROVED LOCAL, STATE AND FEDERAL REGULATORY PERMITS PURSUANT TO WHICH THE COUNTY IS THE PERMITTEE; AND FURTHER, AUTHORIZING THE ADMINISTRATION TO FINALIZE THE EXHIBITS TO THE COUNTY AGREEMENT; AND FURTHER, AUTHORIZING THE CITY MANAGER AND CITY CLERK TO EXECUTE THE FINALIZED COUNTY AGREEMENT.

WHEREAS, on July 20, 2022, the Mayor and Commission approved Resolution 2022-32261, authorizing a special election, submitting to the electorate of the City of Miami Beach the question asking whether the City shall be authorized to issue general obligation bonds, not exceeding \$159,000,000, to improve facilities for resiliency of arts and cultural institutions throughout the City, including museums, performance venues, artistic playgrounds, senior/cultural centers, botanical garden, aquatic sculpture park, and related artist/workforce housing; and

WHEREAS, on November 8, 2022, the voters of the City of Miami Beach approved the issuance of a General Obligation Bond for Arts & Culture (the "Bond") in the not to exceed amount of \$159 million; and

WHEREAS, on April 28, 2023, the City Commission adopted Resolution No. 2023-32592 accepting the FERC's recommendations and approving Tranche 1 in the not-to-exceed amount of \$101,700,000; and

WHEREAS, on May 17 and June 28, 2023, the first and second public readings of the bond issuance resolution were held, and the issuance was approved; and

WHEREAS, Tranche 1 of the Bond was issued on July 27, 2023; and

WHEREAS, the final list of projects approved as part of the General Obligation Bond for Arts & Culture included a \$5 million allocation for the Aquatic Sculpture Park Project ("the Project"); and

WHEREAS, Miami-Dade County (the "County"), through its Department of Regulatory and Economic Resources, Division of Environmental Resources Management ("DERM"), manages artificial reef activities and is the permittee for various local, state, and federal regulatory permits for artificial reefs in Miami-Dade County outside of Biscayne National Park and Florida Keys National Marine Sanctuary (the "County Permits"); and

WHEREAS, the Project's first phase entails deploying an artificial reef within the boundaries of the area covered by the County Permits; and

WHEREAS, the City has requested that the County allow the City to conduct the installation of the artificial reef that is contemplated by the Project's first phase under the County Permits; and

WHEREAS, subject to the approval by the County's Board of County Commissioners, DERM has agreed to allow the City to work under the County's permits subject to satisfaction by the City of the terms and conditions set forth in a proposed agreement between the County

and the City, a copy of which is attached to the Memorandum accompanying this Resolution as Attachment B; and

WHEREAS, the County Agreement will be presented for approval to the Board of County Commissioners at its October meeting; and

WHEREAS, the Project will be executed by Blue Lab Preservation Society, Inc. ("ReefLine") via a Grant Agreement (the "ReefLine Grant Agreement") that will include an addendum requiring ReefLine to fulfill the City's obligations pursuant to the County Agreement and to indemnify the City and the County consistent with the County Agreement; and

WHEREAS, the approval of the ReefLine Grant Agreement is being requested via a companion item (item C7 B) included in the September 27, 2023 Commission Agenda.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby approves the Artificial Reef Agreement between the City of Miami Beach and Miami-Dade County ("County Agreement") substantially in the form of Attachment B to the Memorandum accompanying this Resolution for the installation of an artificial reef within the boundaries of certain previously approved local, state and federal regulatory permits pursuant to which the County is the permittee; and further, authorizes the Administration to finalize the Exhibits to the County Agreement; and further, authorizes the City Manager and City Clerk to execute the finalized County Agreement.

PASSED and ADOPTED this ____ day of _____, 2023.

Dan Gelber, Mayor

ATTEST:

Rafael E. Granado, City Clerk

**APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION**

City Attorney

9-21-23

Date